

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re: : Bankruptcy No. 20-22898-CMB
: :
RONALD G. LINABURG : Chapter 11
: Debtor(s) :
: :
v. : :
: :
PNC BANK, N.A., : :
: Respondent :
:

STATUS REPORT

AND NOW, comes Movant, PNC Bank, N.A. (at times, “PNC” or “the Bank”), by and through its undersigned counsel, Kelli A. Lee, Esq. and Dinsmore & Shohl, LLP, and files the following status report.

1. Debtor and PNC (collectively the “Parties”) attended an all-day mediation on July 28, 2022.
2. The Parties attended an all-day mediation on September 22, 2022.
3. While substantial progress was made, the Parties were unable to resolve the issues between them during the mediation.
4. The issues remaining between the Parties, including:
 - a. Whether the April 7, 2021 Order should be vacated based on alleged improper service of Debtor’s Objection to Claim No. 4.
 - b. If the April 7, 2021 Order is vacated, whether PNC is entitled to an equitable secured claim on the property located at 924 Valleyview Road, Pittsburgh, PA based on the Mortgage and the entireties presumption.

5. The Parties have fully, thoroughly and in good faith attempted to resolve this matter.

6. Having been unable to resolve the outstanding issues, this matter is now ripe for a decision on the merits regarding whether the April 7, 2021 Order should be vacated.

7. Accordingly, the Parties request, after oral argument, that this Court rule on the fully briefed Motion to Vacate at the hearing currently scheduled for October 25, 2022.

8. Further, Counsel for PNC and Debtor believe that discovery is necessary prior to an evidentiary hearing to rule on the merits of whether PNC is entitled to an equitable secured claim on the property located at 924 Valleyview Road, Pittsburgh, PA based on the entireties presumption.

9. Counsel for PNC and Debtor anticipate that 120 days is sufficient for discovery, including depositions.

10. Accordingly, to the extent necessary, after completing discovery, PNC and/or Debtor will request an evidentiary hearing to determine whether PNC is entitled to an equitable secured claim based on the entireties presumption.

WHEREFORE, the Parties respectfully request that this Court hear oral argument on the Motion to Vacate at the currently scheduled hearing, and any other relief that this Court deems appropriate.

October 7, 2022

DINSMORE & SHOHL LLP

/s/ Kelli A. Lee

Kelli A. Lee, Esquire

PA ID # 309770

kelli.lee@dinsmore.com

Six PPG Place, Suite 1300

Pittsburgh, PA 15222

Telephone: (412) 281-5000

Facsimile: (412) 281-5055

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CERTIFICATE OF SERVICE

I the undersigned hereby certify that a true copy of the foregoing was served upon the below named parties via CM/ECF on October 7, 2022.

Brian C. Thompson on behalf of Debtor Ronald G. Linaburg
kfinke@thompsonattorney.com; blemon@thompsonattorney.com

Donna M. Donaher on behalf of Creditor First National Bank of Pennsylvania donaherd@fnb-corp.com

John R. O'Keefe, Jr. on behalf of Creditor Dollar Bank Federal Savings
jikeefe@mezlewis.com

Keri P. Ebeck on behalf of Creditor Duquesne Light Company
kebeck@berNSTEINLAW.COM; jbluemle@berNSTEINLAW.COM

Paul R. Yagalski on behalf of Creditor Reinhart FoodServices LLC
pryagalski@rothmangordon.com; jdmyle@rothmangordon.com

Robert O Lampl on behalf of Interested Party, William T. Kane
rol@lampllaw.com

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com; equitablebankruptcy@peoples-gas.com

William E. Kelleher on behalf of Mediator William E. Kelleher, Jr.
Bill.kelleher@dentons.com

Ronald L. Hicks, Jr. on behalf of Creditor Diana Marie Dongell, D.M.D.
rjhicks@porterwright.com, ttuoczy@porterwright.com; tlong@porterwright.com;
cbmcgee@porterwright.com

Office of the United States Trustee
ustpregion03.pi.ecf@usdoj.gov

Michael A. Shiner on behalf of Creditor Rebecca L. Wtkins, D.M.D.
mshiner@tuckerlaw.com

Michael A. Shiner on behalf of Creditor Renee R. Kalp
mshiner@tuckerlaw.com

Michael A. Shiner on behalf of Creditor Ronald E. Hand, D.M.D.
mshiner@tuckerlaw.com

Maribeth Thomas on behalf of Creditor Rebecca L. Wtkins, D.M.D.
mthomas@tuckerlaw.com

Michael A. Shiner on behalf of Creditor Renee R. Kalp
mthomas@tuckerlaw.com

Michael A. Shiner on behalf of Creditor Ronald E. Hand, D.M.D.
mthomas@tuckerlaw.com

Jodi Hause, on behalf of the United States Trustee
Jodi.hause@usdoj.gov

/s/ Kelli A. Lee
Kelli A. Lee